

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**MICHAEL BURNS,**

**Plaintiff,**

**v.**

**St. CLAIR COUNTY  
HOUSING AUTHORITY,**

**Defendant.**

**No. 08-0258-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Now before the Court is Defendant's motion in limine (Doc. 47). Specifically, Defendant moves the Court to bar Plaintiff from making any reference to Debra Kenton, who was a named Plaintiff in this matter and who has settled her claim. Defendant contends that any reference to her claim and that she settled her claim is irrelevant and prejudicial to Defendant. Plaintiff objects arguing that this testimony is relevant and admissible to prove that Defendant acted with discriminatory intent towards him.

"Other-acts evidence may be relevant and admissible in a discrimination case to prove, for example, intent or pretext." ***Manuel v. City of Chicago*, 335 F.3d 592, 596 (7th Cir. 2003)(citing *Vance v. S. Bell Tel. & Tel. Co.*, 863 F.2d 1503, 1511 n. 5 (11th Cir. 1989)("The discriminatory intent element can be proven by direct or circumstantial evidence.... Thus, the jury properly could have**

**considered the evidence of discriminatory acts .... directed at employees other than the plaintiff, as tending to the existence of racial animus in the present case.”); *Molnar v. Booth*, 229 F.3d 593, 603-04 (7th Cir. 2000); see also *Bledsoe v. Potter*, 200 Fed.Appx. 604 (7th Cir. 2006).**

As directed by **Federal Rule of Evidence 403**, the Court must conduct an analysis to determine whether any particular evidence regarding another allegation of discrimination should be admitted. Based on the record before the Court, the Court is unable to perform this task. Thus, the Court will allow Plaintiff to make an offer of proof at the proper time. Accordingly, the Court **DENIES** at this time Defendant’s motion in limine (Doc. 47).

**IT IS SO ORDERED.**

Signed this 4th day of January, 2010.

/s/ David R. Herndon

**Chief Judge  
United States District Court**